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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,930	09/04/2003	Geoffrey B. Rhoads	P0877	8366
23735 7590 03/03/2009 DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008				
EXAMINER				
PERUNGAVOOR, VENKATANARAY				
ART UNIT		PAPER NUMBER		
2432				
MAIL DATE		DELIVERY MODE		
03/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,930

Applicant(s)

RHOADS ET AL.

Examiner

Venkat Perungavoor

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/20/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 3-12, and 14-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-12, and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5412727 to Drexler et al. (Hereinafter Drexler).

Regarding Claim 1, 20, 11, 18, Drexler discloses the storage system which stores the second authentication information see Fig. 3 item 74; a processor having an information reader see Col 2 Ln 52-55; and processor to retrieve second authentication information see Col 2 Ln 58-65 and recover the first authentication information and compare with second authentication information to determine authenticity see Col 7 Ln 12-20; the embedding of first information see Col 5 Ln 4-14.

Regarding Claim 3, 15, Drexler discloses the storage system which stores the second authentication information see Fig. 3 item 74; a processor having an information reader see Col 2 Ln 52-55; and processor to retrieve second authentication information see Col

2 Ln 58-65 and recover the first authentication information and compare with second authentication information to determine authenticity see Col 7 Ln 12-20; the embedding of first information see Col 5 Ln 4-14.

Regarding Claim 4, Drexler discloses the second authentication is based on semantic information contained in the image see Col 7 Ln 7-11; the authentication information reader includes a semantic information reader and authentication information maker see Col 7 Ln 12-20.

Regarding Claim 5, Drexler discloses the authenticity of the code being verified to the source see Col 7 Ln 50-54.

Regarding Claim 6, Drexler discloses the computer analyzing signatures of photos see Col 7 Ln 7-20.

Regarding Claim 7, Drexler discloses the source associates the code with digital representation see Col 5 Ln 19-26.

Regarding Claim 8, 14, Drexler discloses the number being inputted by the user see Col 5 Ln 8-14.

Regarding Claim 10, Drexler discloses the plurality of devices and routing codes see Fig. 2.

Regarding Claim 12, 14, 17, Drexler discloses the digitalizing of photos see Col 7 Ln 7-20; further discloses the storage system which stores the second authentication information see Fig. 3 item 74; a processor having an information reader see Col 2 Ln 52-55; and processor to retrieve second authentication information see Col 2 Ln 58-65 and read the first authentication information and compare with second authentication information to determine authenticity see Col 7 Ln 12-20; the embedding of first information see Col 5 Ln 4-14.

Regarding Claim 19, Drexler discloses the photo ID being digitalized see Col 3 Ln 10-24.

Regarding Claim 21, Drexler discloses the indication of authenticity of the digital representation see Col 4 Ln 60-65.

Regarding Claim 9, Drexler discloses the authentication of read information see Abstract and analog form containing a security pattern and associating the pattern with digital representation see Col 5 Ln 43-49.

Regarding Claim 16, Drexler disclose that the verification system employs the reference code to locate second authentication information and additionally uses the second authentication information to determine whether the digital representation is authentic see Col 6 Ln 31-39.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

/V. P./
Examiner, Art Unit 2432

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432